

REMARKS

In the Advisory Action mailed March 22, 2006, the Examiner states that certain of the referenced notebook pages referred to in the Welch declaration were inconsistent with the exhibits. We recognize that copies of the noted notebook pages are hard to read. The Examiner appears to be confused by the numbers on these pages. In these notebook pages, on the upper left side of each page are the words "From Page No. ____" and on the lower right side are the words "To Page No. ____." For example, if on the upper left side it said "From Page 78" and on the lower right hand side it said "To page No. 80", then one would infer that they were then reading page 79. Applicants believe that the references to the page numbers noted in the declaration correspond to the exhibits.

The Teaching of the Herron Reference

The Herron reference has been cited as the primary reference in rejecting the pending claims as unpatentable under 35 U.S.C. § 103. Applicants offer the following remarks regarding the teaching of the reference.

The Herron reference describes polyacrylic acid crosslinked fibers as a solution the problem of the discoloration of certain cellulosic fibers crosslinked with polycarboxylic acids. At column 3, lines 37, the reference states "[u]nfortunately, the preferred C₂-C₉ polycarboxylic acid crosslinking agent, citric acid, can cause discoloring (i.e., yellowing) of the white cellulosic fibers." In framing their invention, the reference states that "[a]pplicants have found that the polymeric polyacrylic crosslinking agents . . . are particularly suitable for forming ester crosslink bonds with cellulose fibers" and that "[i]mportantly, the ester-crosslinked fibers tend to be brighter than those crosslinked with alphahydroxy acids such as citric acid." See column 3, lines 50-55. The reference further states that "an object of the invention is to provide individualized,

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESSTM
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

crosslinked fibers that exhibit a higher level of brightness relative to known crosslinked fibers. See column 4, lines 15-17.

The solution to the problem of discolored crosslinked fibers is the use of polyacrylic acid as a crosslinking agent. The teaching of the Herron reference is that polyacrylic acid crosslinked fibers inherently have a brightness greater than other known crosslinked fibers. The reference does not recognize bleaching as a methodology to achieve increased brightness. Rather, the reference acknowledges polyacrylic acid crosslinked fibers as the solution to known crosslinked fibers having low brightness. Applicants respectfully submit that the Herron reference does not recognize that bleaching increases the whiteness of inherently "bright" polyacrylic acid crosslinked fibers.

Furthermore, the Herron reference relates to polyacrylic acid crosslinked fibers having a Water Retention Value (WRV) from about 25 to about 60. The reference states that polyacrylic acid crosslinked fibers have WRV's from about 25 to about 50 (see Col. 13, lines 10-14), which is the preferred range (see Col. 8, lines 26-31).

In the final rejection of claims, the Examiner stated that the reference makes no statement that the bleaching adversely affects WRV. Applicants respectfully submit that, when taken in context, the reference infers that bleaching does, in fact, adversely affect WRV.

The reference states that "[p]ost-crosslinking treatment of the fibers such as degree of bleaching and the practice of post-crosslinking bleaching steps have been found to affect WRV." See column 13, 14-16. Applicants submit that if bleaching did not adversely affect the desirable WRVs of the polyacrylic acid crosslinked fibers described in the reference, then extensive bleaching, presumably to further enhance fiber brightness (a stated object of the invention) and to further enhance the fibers' WRV would have been described in detail in the reference as advantageous.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESSSM
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

The totality of the teaching of the reference is clear: brightness is achieved by crosslinking with polyacrylic acid and that post-crosslinking of bleaching of polyacrylic acid adversely affects WRV. Because WRV is a critical parameter for the Herron fibers, Herron teaches that any treatment that adversely affects WRV is a treatment that is to be avoided.

Applicants submit that, although the reference notes post-crosslinking bleaching treatment, the reference teaches away bleaching polyacrylic acid crosslinked fiber.

Applicants respectfully submit that the Herron reference fails to suggest or provide any motivation to bleach polyacrylic acid crosslinked fibers.

Conclusion

In view of the previously filed response including the declaration of Kathy A. Welch and foregoing remarks, applicants believe that Claims 1 and 3-13 are in condition for allowance. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone applicants' attorney at 206.695.1755.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}

George E. Renzoni

George E. Renzoni, Ph.D.
Registration No. 37,919
Direct Dial No. 206.695.1755

I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office, Group Art Unit 1731, Examiner D.R. Cordray, at facsimile number 571.273.7300 on April 3, 2006.

Date: April 3, 2006

GER:md

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100